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August 5, 2018

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**Via Electronic Filing**

Honorable Analisa Torres  
United States District Judge  
Daniel Patrick Moynihan United States  
Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Cruz, et al. v. U. S. Dep't of Health and Human Svcs., et al.*,  
Case No. 18-cv-6371 (AT) (HBP)

Dear Judge Torres:

We are counsel for two intervenor parties that have each filed a separate motion to intervene in this action—the State of Kansas and the University of Kansas Hospital Authority (the “**Hospital Authority**”) [Dkt # 6 - 9.] The motion for the State of Kansas was labeled as returnable on August 6, 2018, and the motion for the Hospital Authority was labeled as returnable on August 7, 2018. We have spoken with counsel for the Plaintiffs, Mr. Motty Shulman, Esq., and counsel for the United States Department of Health and Human Services (“**HHS**”), Mr. Charles Jacob, Esq.,<sup>1</sup> about the pending motions and make a joint request to adjourn the motions until a date after the initial conference, scheduled for September 17, 2018, so that we can appear at the conference, have the opportunity to address any issues the Court may have with respect to the pending motions, and agree to a scheduling order with respect to a response and return date for those motions. In our conversations, Mr. Jacob has noted that Plaintiffs’ counsel has also expressed an intent to seek a stay of this case as a result of recent actions by HHS and has noted that pursuant to Local Rule 6.1(b), HHS’s current response date to these motions is August 10, 2018. (The intervention motions were not served on the other defendants.)

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<sup>1</sup> The United States Attorney’s Office for the Southern District of New York does not represent the other defendants in this action, the Organ Procurement and Transplantation Network and the United Network for Organ Sharing. No counsel for those parties has yet filed a Notice of Appearance.



Honorable Analisa Torres  
August 5, 2018  
Page 2

We believe that proceeding in this fashion, at this early stage in the litigation will be the most efficient use of court, government and attorney resources and respectfully request that Your Honor grant this joint request.

Sincerely,

*/s/ Jason A. Nagi*

Jason A. Nagi

cc: Via ECF  
Motty Shulman, Esq.  
Charles Jacob, Esq.